



State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

KEVIN COLLINS et als.	:	
	:	
Complainant	:	CASE NO. M-0745
	:	
v.	:	DECISION NO. 97-084
	:	
CITY OF MANCHESTER	:	
	:	
Respondent	:	

PETITION FOR RULING ON JURISDICTION

The Board, meeting at its offices in Concord, New Hampshire, on August 7, 1997, took the following actions:

1. It reviewed the Petition for Ruling on Jurisdiction of PELRB filed by Kevin Collins and thirty-two (32) additional individually named plaintiffs on June 9, 1997 and the objections thereto filed by the City of Manchester on June 24, 1997.
2. After reviewing the documents in Item 1 as well as the decision of Superior Court Justice Gillian Abramson in Hillsborough County (North Div.) Docket No. 96-C-863, issued April 30, 1997, it concluded that the individual plaintiffs brought an action in Superior Court seeking to assert certain rights under a "three year training agreement," not to be confused with or equated to a "collective bargaining agreement" (CBA) as referenced in RSA 273-A:5 I (h). Plaintiffs' petition lacks any reference to their assertion of any claims or entitlements under RSA 273-A. In fact, plaintiffs' petition asserts that they commenced their civil litigation in their individual capacities, and not as union members, to enforce their respective "Three Year Training Agreements" which they individually executed with the City of Manchester before being employed by it.

Plaintiff's petition further asserts that they seek enforcement of the "Three Year Training Agreement" separate and apart from their expired CBA, that the City has sought to enforce said training agreements after the CBA expired, and, thus, should be considered to be separate, individual contracts for which a civil action for breach may be pursued.

3. It determined that plaintiff's petition as well as the April 30, 1997 decision both reported that plaintiffs' litigation claimed a violation of 42 U.S.C. §1983. Likewise, both documents referenced the plaintiffs' attempt to enforce Manchester Ordinance #18-36 through their civil litigation.
4. It further determined that the certified bargaining agent, as defined by RSA 273-A:10 IV and RSA 273-A:11, the Manchester Police Patrolmans Association, was not a party to plaintiffs' petition or to plaintiffs' individually brought civil litigation in Superior Court. That certified bargaining agent has not claimed any breach of the expired CBA which continues under the status quo doctrine under Appeal of Milton School District, 137 N.H. 240, 245-48 (1993) and Appeal of Alton School District, 140 N.H. 303 (1995).
5. Based on the foregoing, the PELRB DECLINES to exercise jurisdiction in this matter as now presented. There is no complaint as required by RSA 273-A:6 I and II or as contemplated by Rule PUB 304.01 et seq.

So ordered.

Signed this 21st day of August, 1997.


EDWARD J. HASELTINE
Chairman

By unanimous decision. Chairman Edward J. Haseltine presiding.
Members E. Vincent Hall and William Kidder present and voting.